

## Message Text

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ORIGIN ORM-01

INFO OCT-01 ARA-06 IO-10 ISO-00 SR-02 VO-03 INSE-00 L-03

SCA-01 SS-15 NSC-05 JUSE-00 CIAE-00 INR-07 NSAE-00

H-02 PRS-01 FBIE-00 AID-05 ITFE-05 ( ISO ) R

09

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TO SANTIAGO 0223-0224

AMEMBASSY LIMA

INFO USMISSION GENEVA

C O N F I D E N T I A L STATE 137514

C O R R E C T E D C O P Y (CORRECTIONS PARA 9)

E.O. 11652: GDS

TAGS: SREF; CI; PE

SUBJECT: PAROLE OF CHILEAN REFUGEES AND DETAINEES

1. GENERAL: AT THE REQUEST OF THE DEPUTY SECRETARY, THE ATTORNEY GENERAL HAS AGREED TO EXERCISE HIS PAROLE AUTHORITY ON A STRICTLY CASE-BY-CASE BASIS ON BEHALF OF LIMITED NUMBERS OF CHILEAN REFUGEES IN PERU AND DETAINEES IN CHILE AND  
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THEIR DEPENDENTS (SPOUSES, MINOR DEPENDENT UNMARRIED SONS AND DAUGHTERS, DEPENDENT PARENTS WHO ARE MEMBERS OF THE SAME FAMILY). FYI: IN GENERAL, FOR HUMANITARIAN REASONS WE PREFER THAT THE MAJORITY OF PAROLEES BE DETAINEES RATHER

THAN REFUGEES IN PERU. THIS IS CONSISTENT WITH THE VIEWS OF THE HOUSE SUBCOMMITTEE ON IMMIGRATION WHICH WAS FAVORABLE TO PAROLE OF DETAINEES BUT DID NOT SPECIFICALLY APPROVE PAROLE OF REFUGEES IN PERU. END FYI. FURTHER, WE EXPECT THAT PREFERENCE WILL BE GIVEN TO REFUGEES AND DETAINEES WHO ESTABLISH A FAMILIAL OR INSTITUTIONAL CONNECTION IN THE UNITED STATES. THE DEPARTMENT HAS A RECORD OF A NUMBER OF SUCH CASES AS DO THE EMBASSIES.

THE FOLLOWING DRAFT PROCEDURES AND GUIDELINES FOR PROCESSING PAROLE CASES HAVE BEEN PREPARED BY THE IMMIGRATION AND NATURALIZATION SERVICE (INS) AND THE DEPARTMENT. FINAL APPROVAL OF PAROLE RESTS WITH INS. RECOGNIZING POST GREATER FAMILIARITY WITH LOCAL REGULATIONS AND MECHANISMS, WE INVITE POST COMMENTS AND SUGGESTIONS BEFORE FINALIZING PROCEDURES.

2. CHILEAN REFUGEES IN PERU: (A) REFUGEE IS DEFINED BY THE 1951 REFUGEE CONVENTION AS A PERSON WHO IS OUTSIDE THE COUNTRY OF HIS NATIONALITY AND IS UNABLE OR UNWILLING TO RETURN THERETO OWING TO A WELL-FOUNDED FEAR OF PERSECUTION BECAUSE OF RACE, RELIGION, NATIONALITY, POLITICAL OPINION OR MEMBERSHIP IN A PARTICULAR SOCIAL GROUP. THE KEY WORDS ARE QUOTE WELL-FOUNDED FEAR UNQUOTE. THE REFUGEE DOES NOT HAVE TO PROVE THAT HE WILL BE PERSECUTED IF HE RETURNS TO CHILE. HE MUST, HOWEVER, SET FORTH A REASONABLE AND CREDIBLE CASE THAT HIS FEAR OF PERSECUTION IS GENUINE. A PERSON WHO HAS LEFT HIS COUNTRY OF NATIONALITY APPARENTLY FOR ECONOMIC REASONS ALONE WOULD NOT BE CONSIDERED A REFUGEE UNDER THIS DEFINITION. HE MUST ALSO SHOW HE IS UNABLE TO RESETTLE IN PERU.

(B) PROSPECTIVE CHILEAN REFUGEE PAROLEES WILL BE REFERRED TO THE EMBASSY ONLY BY THE OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES (UNHCR) WHICH WILL CERTIFY TO THE EMBASSY THAT THE SUBJECT IS A REFUGEE UNDER THE UNHCR MANDATE. THE EMBASSY SHOULD PROVIDE FORMS FS-510 TO CONFIDENTIAL

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THE UNHCR FOR COMPLETION BY MANDATED REFUGEES WHO DESIRE RESETTLEMENT IN THE UNITED STATES. THE UNHCR SHOULD ALSO PROVIDE A SUMMARY OF THE CIRCUMSTANCES WHICH CAUSED THE REFUGEE TO LEAVE CHILE AND WHICH MAKE IT IMPOSSIBLE FOR HIM TO RETURN TO CHILE. IN THE SECURITY CLEARANCE REQUEST TO SANTIAGO, THAT SUMMARY WILL BE INCLUDED SO THAT SANTIAGO CAN PROVIDE ITS EVALUATION OF APPLICANT'S QUALIFICATIONS FOR POLITICAL REFUGEE STATUS.

3. CHILEAN DETAINEES: (A) CASES OF PROSPECTIVE DETAINEE PAROLEES WILL BE REFERRED TO THE EMBASSY BY A RECOGNIZED ORGANIZATION ASSISTING DETAINEES SUCH AS THE INTERNATIONAL COMMITTEE OF THE RED CROSS (ICRC) OR NATIONAL REFUGEE

COMMITTEE. WE INVITE EMBASSY SUGGESTIONS ON THE PROPER ORGANIZATION. FORMER DETAINEES WHO HAVE BEEN RELEASED BY THE CHILEAN GOVERNMENT ARE NOT ELIGIBLE. AS IN THE CASE OF REFUGEES IN PERU, THE FORM FS-510 CAN BE USED FOR APPLICATIONS BY THOSE DETAINEES WHO WISH TO RESETTLE IN THE UNITED STATES. THE SAME ADMONITIONS GIVEN TO THE UNHCR SHOULD ALSO BE GIVEN TO THE ORGANIZATION PROCESSING DETAINEES. NOTE THAT DETAINEES WILL BECOME REFUGEES WITHIN THE MEANING OF THE CONVENTION UPON DEPARTURE FROM CHILE.

(B) THE ORGANIZATION WHICH IS CONDUCTING THE PRELIMINARY PROCESSING OF DETAINEES SHOULD ELICIT FULL DETAILS ON THE CIRCUMSTANCES SURROUNDING THE DETENTION. ANY AVAILABLE COURT RECORDS OR OTHER DOCUMENTS WHICH RELATE TO THE DETENTION SHOULD BE PROVIDED WITH THE FS-510.

(C) THE ORGANIZATION CONDUCTING THE PRELIMINARY PROCESSING SHOULD ALSO OBTAIN ASSURANCES FROM THE CHILEAN GOVERNMENT THAT THE DETAINEE WILL BE RELEASED IF HE IS APPROVED FOR ENTRY INTO THE UNITED STATES.

4. IN DISCUSSIONS CONCERNING PRELIMINARY PROCESSING, EMBASSY SHOULD IMPRESS ON UNHCR PROCESSING REFUGEES IN PERU OR ORGANIZATION PROCESSING DETAINEES IN CHILE THAT WE WILL CONDUCT A RIGOROUS SCREENING TO INSURE THE REFUGEE OR DETAINEE IS NOT INADMISSIBLE UNDER SECTION 212(A), PARTICULARLY 212(A)(27),(28) OR (29). THE EXCEPTIONS WILL BE SECTION 212(A) (14) AND (15). WITH REGARD TO THE LATTER, CONFIDENTIAL

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THE DEPARTMENT WILL ARRANGE WITH U.S. VOLUNTARY AGENCIES TO PROVIDE SPONSORSHIP. UNHCR AND ORGANIZATION ASSISTING DETAINEE SHOULD ALSO BE INFORMED THAT THE USG RESERVES THE RIGHT TO DISAPPROVE THE ENTRY INTO THE UNITED STATES OF ANY REFUGEE.

5. INTERVIEWS: ALL PROSPECTIVE PAROLEES WILL BE INTERVIEWED BY A CONSULAR OFFICER BEFORE A SECURITY CHECK IS INITIATED. SUBSEQUENT INTERVIEWS WILL BE HELD IF SECURITY INFORMATION EMERGES WHICH NEEDS CLARIFICATION. USING INFORMATION PROVIDED BY THE UNHCR, ICRC OR REFUGEE COMMITTEE, THE CONSULAR OFFICER WILL ATTEMPT TO ELICIT FULL INFORMATION ABOUT THE CIRCUMSTANCES WHICH MIGHT HAVE CAUSED THE PERSON TO BE DETAINED OR BECOME A REFUGEE. POTENTIAL SECURITY PROBLEMS SHOULD BE IDENTIFIED AT THIS STAGE AS WELL. THE INTERVIEW WILL FORM THE BASIS OF THE RECOMMENDATION BY THE CONSULAR OFFICER TO THE INS AS TO WHETHER PAROLE SHOULD BE APPROVED.

6. SECURITY CLEARANCE: FOLLOWING THE FIRST INTERVIEW, SECURITY NAME CHECK CLEARANCES WILL BE SOUGHT FROM THE U.S. (VISAS EAGLE) AND FROM LOCAL SOURCES. ALL REFUGEES

IN PERU WILL ALSO BE CLEARED WITH EMBASSY SANTIAGO AND WITH LOCAL SOURCES IN PERU. SANTIAGO'S EVALUATION OF THE APPLICANT'S QUALIFICATIONS AS POLITICAL REFUGEE WILL BE REQUESTED SIMULTANEOUSLY. THE SECURITY CHECK SHOULD BE A DETAILED AND RIGOROUS ONE WHICH WILL ESTABLISH THE ALIEN'S ELIGIBILITY TO ENTER THE UNITED STATES UNDER SECTION 212(A)(27)(28) OR (29). APPLICATIONS OF REFUGEES/DETAINEES CLEARLY EXCLUDABLE UNDER 212(A)(28) MAY BE DENIED BY THE POST WITHOUT REFERENCE TO THE DEPARTMENT. FOR RECORD PURPOSES, A SHORT SUMMARY OF SUCH CASES SHOULD BE SUBMITTED TO THE DEPARTMENT. DOUBTFUL CASES CONCERNING ANY GROUNDS OF INELIGIBILITY AND ANY CASES INVOLVING 212(A)(27)(29) SHOULD BE SUBMITTED TO THE DEPARTMENT (V0) FOR AN ADVISORY OPINION. ANY INFORMATION WHICH MIGHT MAKE AN ALIEN UNDESIRABLE, ALTHOUGH NOT EXCLUDABLE, SHOULD BE RECORDED AND NOTED IN THE PAROLE APPLICATION. THE PAROLE RECOMMENDATION WILL NOT BE SUBMITTED UNTIL ALL SECURITY CLEARANCES ARE OBTAINED.

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7. MEDICAL EXAMINATIONS: ALL REFUGEES/DETAINEES AND THEIR FAMILIES WILL BE GIVEN A MEDICAL EXAMINATION AS NORMALLY REQUIRED FOR IMMIGRANT VISA APPLICANTS.

8. DOCUMENTATION: WE PREFER THAT ALL REFUGEES/DETAINEES HAVE TRAVEL DOCUMENTATION TO FACILITATE TRAVEL TO U.S. -- A PASSPORT, LAISSEZ PASSER OR ICRC DOCUMENT. (ONCE THE REFUGEE ARRIVES, HE IS ELIGIBLE TO APPLY FOR A U.S. REFUGEE TRAVEL DOCUMENT FOR FUTURE TRAVEL). THE DEPARTMENT AND INS WILL WAIVE THE PASSPORT REQUIREMENTS IN THOSE CASES WHERE THE REFUGEE/DETAINEE AND HIS DEPENDENTS ARE UNABLE TO OBTAIN ONE OF THE ABOVE DOCUMENTS. APPLICANTS SHOULD ALSO OBTAIN AS MANY OF THE DOCUMENTS USUALLY SUBMITTED BY IV APPLICANTS AS POSSIBLE (SECTION 222(B) INA).

9. PAROLE RECOMMENDATION: THE RECOMMENDATION FOR PAROLE WILL BE SUBMITTED BY OPERATIONS MEMORANDUM (SUBJECT: REFUGEE AND MIGRATION AFFAIRS: PAROLE OF CHILEAN REFUGEE: NAME OF REFUGEE). RELATED FILE MUST BE ENCLOSED. (A)

THE FOLLOWING INFORMATION SHOULD BE INCLUDED IN THE OM: CONFIRMATION BY CONSULAR OFFICER THAT UNHCR IN PERU HAS CERTIFIED AND EMBASSY SANTIAGO HAS CONFIRMED APPLICANT AS REFUGEE OR THAT APPLICANT IN CHILE IS IN DETENTION AND ELIGIBLE FOR RELEASE IF PAROLE AUTHORIZED; CONSULAR OFFICER'S SUMMARY OF INTERVIEW AND EVALUATION OF APPLICANT'S ELIGIBILITY FOR PAROLE. (SUMMARY SHOULD CONTAIN LIMA'S AND SANTIAGO'S EVALUATION OF VALIDITY OF REFUGEE STATUS FOR APPLICANTS IN PERU AND REASONS FOR DETENTION FOR THOSE IN CHILE); RECOMMENDATION OF CONSULAR OFFICER ON PAROLE; CONFIRMATION THAT APPROPRIATE SECURITY CHECKS HAVE BEEN

MADE WITH SATISFACTORY RESULTS. (B) THE SUPPORTING FILE SHOULD CONTAIN ALL AVAILABLE RELEVANT DOCUMENTATION INCLUDING: FS-510; MEDICAL FORM; AVAILABLE CIVIL DOCUMENTATION (BIRTH, POLICE, MARRIAGE CERTIFICATES). (C) THE DEPARTMENT WILL SUBMIT CASES AFTER REVIEW TO THE INS WITH DEPARTMENT'S RECOMMENDATION FOR PAROLE. INS WILL INFORM DEPARTMENT OF ITS DECISION. POST WILL BE INFORMED OF THAT DECISION BY TELEGRAM.

10. ASSURANCE OF SUPPORT: ONCE PAROLE IS APPROVED BY INS, CONFIDENTIAL

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THE DEPARTMENT WILL OBTAIN THE SPONSORSHIP OF A VOLUNTARY AGENCY WHICH WILL UNDERTAKE TO RESETTLE THE REFUGEE/ DETAINEE AND HIS FAMILY IN THE UNITED STATES. IN THE TELEGRAM APPROVING PAROLE, THE DEPARTMENT WILL INFORM THE POST WHICH VOLUNTARY AGENCY WILL HANDLE A SPECIFIC CASE.

11. TRAVEL: REFUGEES AND DETAINEES WILL BE DOCUMENTED WITH FORM I-94 (PAROLE VERSION) COMPLETED BY EMBASSY EXCEPT FOR ENDORSEMENT. AIRLINE WILL BE PROVIDED WITH LETTER STATING THAT REFUGEE/DETAINEE HAS BEEN AUTHORIZED TO TRAVEL TO THE UNITED STATES AND THAT AIRLINE WILL NOT BE PENALIZED FOR BRINGING UNDOCUMENTED ALIEN TO U.S. WE EXPECT ICEM WILL ARRANGE TRANSPORTATION TO U.S. AS WITH OTHER REFUGEES.

12. PUBLIC RELATIONS: WE HOPE THAT THE PAROLE CAN BE HANDLED IN LOW-KEY, ALTHOUGH WE DOUBT THAT THIS MAY BE POSSIBLE. BECAUSE OF THE STRONG VIEWPOINTS ON BOTH SIDES OF THIS ISSUE, WE EXPECT THAT THE PAROLE OF CHILEANS MAY ELICIT STRONG AND SHRILL EXPRESSIONS OF SUPPORT OR DISAPPROVAL. OUR PURPOSE IN AGREEING TO PAROLE HAS BEEN TO RESPOND TO A HUMAN NEED. WE SYMPATHIZE WITH THE PLIGHT OF THE REFUGEES AND DETAINEES AND WISH TO DO OUR PART IN THE INTERNATIONAL RESETTLEMENT EFFORT AS WE ARE ENCOURAGING OTHER NATIONS TO DO IN THE CASE OF INDOCHINESE REFUGEES.

13. STAFFING: INS IS UNABLE TO TDY OFFICERS TO SANTIAGO AND LIMA TO PROCESS PAROLE CASES. CONSULAR SECTIONS WILL HAVE TO COPE WITH ADDITIONAL WORKLOAD. ADVISE WHETHER ADDITIONAL LOCAL EMPLOYEES WILL BE REQUIRED. DEPENDING ON AVAILABILITY OF FUNDS, DEPARTMENT WILL MAKE EVERY EFFORT MEET REASONABLE REQUIREMENTS.

14. NOTIFY DEPARTMENT IF CONSULTATION WITH HOST GOVERNMENT WOULD BE ADVISABLE BEFORE INSTITUTING PAROLE. DO NOT DISCUSS PROSPECTIVE PAROLE AT THIS TIME WITH OUTSIDE PARTIES. KISSINGER

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<< END OF DOCUMENT >>

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 26 AUG 1999  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** REFUGEES, REFUGEE RESETTLEMENT, PAROLE, POLICIES, IMMIGRATION CONTROL, FAMILIES, POLITICAL PRISONERS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 12 JUN 1975  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** ElyME  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
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**Enclosure:** n/a  
**Executive Order:** 11652 GDS  
**Errors:** n/a  
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**Original Classification:** CONFIDENTIAL  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
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**Page Count:** 5  
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**Previous Handling Restrictions:** n/a  
**Reference:** n/a  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** ElyME  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 23 JUN 2003  
**Review Event:**  
**Review Exemptions:** n/a  
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**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** n/a  
**TAGS:** SREF, PINS, SHUM, CI, PE, US  
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LIMA INFO GENEVA  
**Type:** TE  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006